

S.R. 599 - By Glasgow: Extending congratulations to Mary Jo Butler.

S.R. 604 - By Glasgow: Extending congratulations to Willard Robertson.

S.R. 609 - By Glasgow: Commending J. A. Gaines.

RECESS

On motion of Senator Brooks, the Senate at 12:27 p.m. took recess until 8:30 a.m. tomorrow.

SIXTY-FIRST DAY

(Continued)

(Thursday, May 21, 1987)

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Blake.

MESSAGE FROM THE HOUSE

House Chamber
May 21, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 35, Proposing a constitutional amendment to abolish the office of county treasurer in Gregg County.

H.B. 2056, Relating to the practices and procedures of the Antiquities Committee.

H.B. 554, Relating to the imposition of cumulative or concurrent probated sentences.

H.B. 1373, Relating to the creation of an agricultural diversification program to be administered by the commissioner of agriculture.

H.B. 1564, Relating to the use of funds contributed by or for a participant in the optional retirement program for faculty members of state institutions of higher education.

H.B. 1412, Relating to the approval and use of voting systems and voting system equipment and to the security, verification, processing, and recount of electronic voting system election results.

H.B. 1911, Relating to amendments to the Insurance Holding Company System Regulatory Act.

H.B. 1163, Making appropriations for and directing payment of certain miscellaneous claims and judgments out of funds designated herein; requiring approval of the claims in the manner specified in this Act before payment is made; providing for severability; repealing laws in conflict; and declaring an emergency.

H.B. 814, Relating to a permit application to locate a hazardous waste disposal site.

H.B. 350, Relating to the authority of school districts to certify persons to teach who are not graduates of teacher education programs.

H.B. 1006, Relating to the establishment of cemeteries and local perpetual care cemetery advisory boards, to perpetual care cemetery standards adopted by local governments, and to the approval of condemnation proceedings brought by cemetery associations; providing a penalty.

H.B. 272, Relating to a requirement that a state facility report the disappearance of a person receiving mental health or mental retardation services in the facility.

H.B. 1183, Relating to the creation, duties, and powers of the Texas Agricultural Finance Authority and the development of and issuance of bonds for an agricultural financing program.

H.B. 2621, Relating to the authority of the Texas Water Commission to authorize certain districts to proceed under federal bankruptcy law.

H.B. 2403, Relating to the establishment of a system to maintain criminal history records.

H.B. 2373, Relating to the authority of cities to regulate land in areas of extraterritorial jurisdiction.

H.B. 2572, Relating to setting by appropriation the level of funding of school finance components.

H.B. 384, Relating to the regulation of certain crane operators; providing a penalty.

H.B. 1767, Relating to repeal of the highway improvement law for a county with over two million inhabitants.

H.B. 1559, Relating to the construction and operation in certain counties of toll projects for vehicular traffic.

H.B. 742, Relating to the regulation of credit services organizations; providing penalties.

H.B. 2216, Relating to the administration of, and distribution of money in, the public transportation fund.

H.B. 1947, Relating to modification, extension, amendment, restatement, and scheduling of terms and conditions of a secondary mortgage loan.

H.B. 2599, Relating to the determination and reporting of the number of full-time equivalent state employees.

H.B. 2219, Relating to the creation, powers, and duties of the Texas Compensation Insurance Research Center.

H.B. 1287, Relating to textbook review and the state textbook committee.

H.B. 2125, Relating to the authority of counties and public health districts to regulate food service establishments, retail food stores, and food vending machines, to certify food service managers, and to regulate public swimming pools; providing a criminal penalty.

H.B. 2085, Relating to the creation of authorities by counties to issue bonds to fund undertakings related to a superconducting super collider facility.

H.B. 1440, Relating to the use of land that qualifies for agricultural or open-space appraisal for ad valorem taxation purposes.

H.B. 176, Relating to the authority of an independent school district to divest itself of authority over a junior college subject to its control and management.

H.B. 2561, Relating to the creation, administration, powers, duties, operation, and financing of the Andrews Hospital District; granting the power of eminent domain; providing for the issuance of bonds and the levy of taxes.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 481**. House conferees: Blair, Chairman; Russell, Cain, Marchant and Patrick.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by Senate Rule 14.1(f), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.B. 1066 (Krier) Relating to the exemption from ad valorem taxation of certain property of a biomedical research organization. (29-1) Washington "Nay" (30-0)

S.B. 1340 (Parker) Relating to the creation of the County Court at Law No. 2 of Orange County and to the County Court at Law of Orange County. (29-1) Washington "Nay" (30-0)

S.B. 1434 (Henderson) Relating to recounts of elections. (29-1) Washington "Nay" (30-0)

S.B. 1449 (Caperton) Relating to a public defender in Colorado County. (29-1) Washington "Nay" (30-0)

S.B. 1499 (Caperton) Relating to the membership of the Houston County Juvenile Board. (29-1) Washington "Nay" (30-0)

S.B. 1501 (Caperton) Relating to the composition of the Austin County Juvenile Board. (29-1) Washington "Nay" (30-0)

H.C.R. 32 (Barrientos) Endorsing the proposed settlement agreement regarding purchase of electricity for State-owned office buildings in Austin. (vv)

H.C.R. 100 (McFarland) Encouraging all counties to make every effort to provide their fair share of funding in support of local juvenile probation services. (vv)

H.B. 119 (Blake) Relating to the offense of fleeing or attempting to elude a peace officer. (29-1) Washington "Nay" (30-0)

C.S.H.B. 144 (Caperton) Relating to modification of an order in a suit affecting the parent-child relationship. (29-1) Washington "Nay" (30-0)

H.B. 163 (Montford) Relating to the compensation of certain attorneys serving as prosecutors pro tem. (29-1) Washington "Nay" (30-0)

Senator Montford offered the following committee amendment to the bill:
Amend **H.B. 163** to add a new SECTION (c) as follows:

(c) An attorney for the state who is not disqualified to act, may request the court to permit him to recuse himself in a case for good cause and upon approval by the court is disqualified.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 166 (Blake) Relating to county regulation of persons who transport certain waste materials from one location to another. (29-1) Washington "Nay" (30-0)

C.S.H.B. 339 (Montford) Relating to the creation of the County Court at Law No. 3 of Lubbock County; jurisdiction and prosecutions in county courts at law of Lubbock County. (29-1) Washington "Nay" (30-0)

H.B. 360 (Brown) Relating to the jurisdiction of statutory probate courts and the assignment of statutory probate court judges and probate surrogates in certain probate proceedings. (29-1) Washington "Nay" (30-0)

Senator Brown offered the following committee amendment to the bill:
Amend **H.B. 360** as follows:

On page 4, strike Section 5. and renumber the following sections.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

H.B. 412 (McFarland) Relating to the offenses of possession of a deadly weapon in a penal institution and concealing a deadly weapon in a penal institution. (29-1) Washington "Nay" (30-0)

H.B. 441 (McFarland) Relating to the offense of possessing a controlled substance or dangerous drug within the confines of property belonging to the Texas Department of Corrections. (29-1) Washington "Nay" (30-0)

H.B. 485 (Jones) Relating to the ad valorem taxation of the intangible property of certain transportation businesses and to the application of certain occupation taxes to those businesses. (29-1) Washington "Nay" (30-0)

H.B. 635 (McFarland) Relating to the preservation and use of evidence in certain offenses. (29-1) Washington "Nay" (30-0)

H.B. 708 (Parmer) Relating to vaccinations and immunization provided to certain certified fire fighters and other governmental employees and their families. (29-1) Washington "Nay" (30-0)

H.B. 745 (Harris) Relating to the compensation of the criminal district attorney of Collin County. (29-1) Washington "Nay" (30-0)

C.S.H.B. 782 (Whitmire) Relating to the jurisdiction of the county civil courts at law of Harris County. (29-1) Washington "Nay" (30-0)

H.B. 865 (Lyon) Relating to devices on a motor vehicle that obstruct the driver's view of the road. (29-1) Washington "Nay" (30-0)

H.B. 879 (Krier) Relating to an exception from regulation by the Texas Board of Private Investigators and Private Security Agencies for the officers, employees, or agents of certain common carriers. (29-1) Washington "Nay" (30-0)

H.B. 911 (Blake) Relating to statewide emergency telephone number service and authorizing the imposition of fees. (29-1) Washington "Nay" (30-0)

C.S.H.B. 935 (Johnson) Relating to records and proceedings of a committee of a health maintenance organization and to information furnished to that committee. (29-1) Washington "Nay" (30-0)

C.S.H.B. 991 (Whitmire) Relating to the board of directors of the Harris County Hospital District. (29-1) Washington "Nay" (30-0)

H.B. 1051 (Farabee) Relating to the tax bill for taxes totaling a minor amount. (29-1) Washington "Nay" (30-0)

H.B. 1568 (Jones) Relating to the duties of the district attorney of the 35th Judicial District. (29-1) Washington "Nay" (30-0)

H.B. 1604 (Tejeda) Relating to the salaries of certain county court at law judges. (29-1) Washington "Nay" (30-0)

H.B. 1610 (Barrientos) Relating to the fee collected for the compulsory safety inspection of a motor vehicle. (29-1) Washington "Nay" (30-0)

C.S.H.B. 1614 (Krier) Relating to the determination of a protest of a property tax appraisal. (29-1) Washington "Nay" (30-0)

H.B. 1716 (Brown) Relating to the deposit of ad valorem taxes collected for a taxing unit. (29-1) Washington "Nay" (30-0)

H.B. 1867 (Sims) Relating to the appraisal of open-space agricultural land or timberland for purposes of ad valorem taxation. (29-1) Washington "Nay" (30-0)

C.S.H.B. 1942 (Krier) Relating to the powers, duties, and compensation of the directors of the Edwards Underground Water District and to the authority of the district to exclude counties from the district. (29-1) Washington "Nay" (30-0)

H.B. 2140 (Whitmire) Relating to fees for filing of workplace chemical lists under the Hazard Communication Act. (29-1) Washington "Nay" (30-0)

H.B. 2506 (Lyon) Relating to the creation, administration, powers, duties, operation, and financing of the Fannin County Hospital District including the power to levy taxes, issue bonds, and take property by eminent domain. (29-1) Washington "Nay" (30-0)

H.B. 2507 (McFarland) Relating to the powers and duties of Dallas County Utility and Reclamation District to exclude land from and add land to the district; granting the power to implement a funded risk management program. (29-1) Washington "Nay" (30-0)

H.B. 2509 (Montford) Relating to the composition, powers, and duties of the Dawson County Juvenile Board. (29-1) Washington "Nay" (30-0)

BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

<u>Number</u>	<u>Senators Removing</u>
S.B. 56	Farabee, Blake, Washington
H.B. 474	Washington, Blake
H.B. 570	Washington, Blake

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

Senator Blake announced at 8:50 a.m. that the Senate would stand adjourned until 9:30 a.m. today in accordance with a motion previously adopted by the Senate.

APPENDIX

Signed by Governor
(May 19, 1987)

H.B. 275 (Effective September 1, 1987)
H.B. 568 (Effective immediately)
H.B. 1221 (Effective immediately)
H.B. 1731 (Effective immediately)
H.B. 1737 (Effective immediately)
S.B. 1134 (Effective September 1, 1987)
S.B. 506 (Effective September 1, 1987)
S.B. 26 (Effective August 31, 1987)
H.B. 1834 (Effective immediately)
S.B. 439 (Effective September 1, 1987)
S.B. 950 (Effective August 31, 1987)
H.B. 1248 (Effective immediately)
S.B. 1148 (Effective immediately)
H.C.R. 167
H.C.R. 102
S.C.R. 101

(May 20, 1987)

H.B. 725 (Effective immediately)
S.B. 494 (Effective immediately)
S.B. 746 (Effective immediately)
S.B. 379 (Effective immediately)
S.B. 1378 (Effective immediately)
S.B. 1024 (Effective immediately)
S.B. 46 (Effective immediately)
S.B. 243 (Effective September 1, 1987)
S.B. 752 (Effective immediately)
S.B. 430 (Effective immediately)
S.B. 1067 (Effective August 31, 1987)
S.B. 638 (Effective September 1, 1987)
S.B. 806 (Effective immediately)
S.B. 851 (Effective immediately)
S.B. 935 (Effective September 1, 1987)
S.B. 1174 (Effective immediately)

Sent to Governor
(May 20, 1987)

S.B. 203	S.B. 697	S.B. 999
S.B. 244	S.B. 786	S.B. 1062
S.B. 258	S.B. 791	S.B. 1097
S.B. 261	S.B. 800	S.B. 1138

S.B. 327	S.B. 826	S.B. 1161
S.B. 339	S.B. 827	S.B. 1183
S.B. 344	S.B. 840	S.B. 1206
S.B. 372	S.B. 864	S.B. 1216
S.B. 385	S.B. 888	S.B. 1249
S.B. 455	S.B. 912	S.B. 1312
S.B. 561	S.B. 914	S.B. 1322
S.B. 618	S.B. 939	S.B. 1374
S.B. 648	S.B. 957	S.B. 1375
S.B. 652	S.B. 998	S.B. 1403
		S.B. 1422

SIXTY-SECOND DAY

(Thursday, May 21, 1987)

The Senate met at 9:30 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Truan.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, we thank Thee for all of life's blessings and acknowledge that all we have comes from Your graciousness. Bless our daily occupations and, if adversity be better for us, make us patient and faithful in trial. Bless the work of the Senate today and fit them for their duties. May they each one be conscious of Thy continued favor and presence. In His name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Brooks.

SENATE RULE 103 SUSPENDED

On motion of Senator Harris and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Economic Development might consider **H.B. 2012** at 8:30 a.m. tomorrow.

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 2243 (Amended)